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AZ CORP COMMISSION

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2 John R. Augustine, Jr. (SBA # 013743)  
3 JOHN R. AUGUSTINE, JR., P.C. JUN 29 8 26 AM '00  
4 The Citadel, Suite 300  
5 2727 North Third Street  
6 Phoenix, Arizona 85004-1106  
7 (602)650-1515  
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DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JUN 29 2000

7 CARL J. KUNASEK  
8 Chairman  
9 JIM IRVIN  
10 Commissioner  
11 WILLIAM A. MUNDE  
12 Commissioner

DOCKETED BY

✓

11 IN THE MATTER OF:

DOCKET NO. S-03361A-00-0000

12  
13 ETHICO MEDICAL MANAGMENT  
14 an Arizona company  
15 8607 North 59<sup>th</sup> Avenue, Suite B-3  
16 Glendale, Arizona 85032

17 JANE B. LEWIS  
18 14964 West Bottle Tree Circle  
19 Surprise, Arizona 85374

20 KIMBERLY B. McMAHAN  
21 17374 North 89<sup>th</sup> Avenue, #1002  
22 Peoria, Arizona 85382

23 Respondents.

RESPONDENTS' FIRST  
REQUEST FOR PRODUCTION  
OF DOCUMENTS AND  
THINGS

23 TO: THE ARIZONA CORPORATION COMMISSION SECURITIES DIVISION  
24 AND ITS COUNSEL

25 Respondents Jane B. Lewis ("Lewis") and Kimberly B. McMahan ("McMahan"), by and  
26 through their undersigned counsel, hereby requests that the documents or things designated herein

1  
2 be produced for inspection and/or copying, pursuant to A.R.S. § 41-1062(A)(4). The requested  
3 documents are necessary for hearing preparation purposes and are not otherwise available to  
4 respondent and his counsel.

5 Except as otherwise agreed by the parties, the time and place of inspection shall be:

6 DATE AND TIME: July 21, 2000 at 9:00 a.m., or such earlier date the presiding officer  
7  
8 may direct.

9 PLACE: John R. Augustine, Jr., PC  
10 A Professional Corporation  
11 The Citadel, Suite 300  
12 2727 North Third Street  
Phoenix, Arizona 850004-1001

13 The documents or things sought by this request include documents and things in the  
14 possession, custody and/or control of the Securities Division, their predecessors, successors,  
15 assigns, related or affiliated persons or entities, their attorneys, and all agents, servants,  
16 representatives, investigators and others who may have obtained custody of the documents or  
17 things on behalf of defendants or their counsel.

18 **I. DEFINITIONS.**

19 A. "Document" refers to any type of printed, typed, recorded, written, graphic or  
20 photographic matter that either concerns, or was dated or prepared during, the relevant time period,  
21 regardless of how it was printed, produced, reproduced, coded or stored, and whether it was sent or  
22 received. It encompasses (1) the original, (2) any note, facsimile, fax, draft, alteration, modification  
23 or amendment thereof, (3) any reproduction when the original is not within your possession,  
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2 custody or control, (4) any nonidentical reproduction of the original (e.g., subsequent notations on  
3 the copy), and (5) both sides of the foregoing.

4         This term includes, but is not necessarily limited to, the following: papers, books, accounts,  
5 letters, models, photographs, films, diagrams, drawings, sketches, blueprints, plans, specifications,  
6 objects, correspondence, messages, telegrams, cables, telex messages, teletypes, facsimiles, faxes,  
7 memoranda, stenographic, handwritten or transcribed notes and notations, work papers and sheets,  
8 routing slips, instructions, orders, intra- and inter-office communications, intra- and inter-  
9 departmental communications, communications of any type to, between or among directors,  
10 officers, employees or representatives, transcripts, memoranda, reports and recordings of telephone  
11 conversations, interviews, conferences or meetings, affidavits, statements, resumes, abstracts,  
12 summaries, opinions, court pleadings, price, traffic, inventory, production, marketing or distribution  
13 books, manuals or guides, test reports, reports, indices, minutes, tabulations, studies, analyses,  
14 forecasts, evaluations, contracts, deeds, licenses, agreements, purchase orders, invoices, notebooks,  
15 entries, receipts, checks, ledgers, journals, accounting records, summaries of accounts, balance  
16 sheets, income statements, questionnaires or answers to questionnaires, statistics or other data  
17 compilations, advertisements, publications, brochures, circulars, prospectuses, offers, press releases,  
18 bulletins, pamphlets, trade letters, desk or pocket calendars, appointment books, diaries, telephone  
19 logs, expense accounts, lists, logs, tabulations, charts, graphs, maps, surveys, video or audio  
20 recordings, cassettes, tapes or discs, and any transcriptions thereof, data sheets, computer tapes and  
21 discs, magnetic tapes, punch cards, computer printouts, data processing input and output, computer  
22 files, computer programs, computer program coding sheets, microfilms, microfiche, other  
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2 electronic, photographic or mechanical devices or mediums on or through which any type of  
3 information is transmitted, stored, recorded or preserved, and other items similar to any of the fore-  
4 going, regardless of their author, origin, type or denomination by plaintiff.

5 B. "Respondent" refers to Lewis, McMahan, or Ethicio Medical Maganagment either  
6 individually or any combination of the three.

7  
8 C. "You" refers to the Securities Division of the Arizona Corporation Commission or  
9 any other individual or agency acting on its behalf.

10 D. "Commission" refers to the Arizona Corporation Commission.

11 **IV. DOCUMENTS TO BE PRODUCED.**

12 The following documents are to be produced:

13  
14 1. Copies of any and all documents evidencing, establishing or otherwise relating to  
15 the offer or sale of any promissory notes or other security instrument alleged to be securities by the  
16 Securities Division in its and Notice of Opportunity for Hearing dated June 1, 2000. These  
17 documents should include, but are not limited to, any offering memoranda, business plans, or other  
18 written information regarding Respondent(s).

19  
20 2. Copies of any and all memoranda, transcripts or other recordings of any "pitch" or  
21 other sales presentation taken by any Securities Division staff member or any other party acting at  
22 its direction from any respondent that purportedly relates to the offer or sale of any promissory note  
23 or other instrument alleged to be a security by the Securities Division in its June 1, 2000 Notice of  
24 Opportunity for Hearing.

1  
2 3. Copies of any and all documents evidencing or otherwise tending to establish the  
3 flow or use of any monies allegedly paid as consideration for the purchase of promissory notes or  
4 other security instrument as alleged in the June 1, 2000 Notice of Opportunity for Hearing or  
5 otherwise. These documents should include, but not be limited to, all bank account statements and  
6 all debit and/or credit items obtained by the Securities Division and any "Sources and Uses"  
7 analysis performed by any Securities Division staff member.  
8

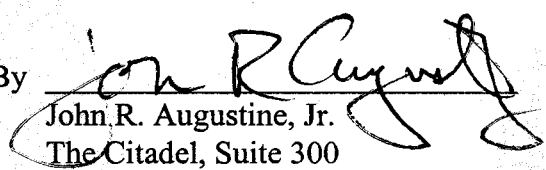
9 4. Copies of any and all documents memorializing or otherwise recording the  
10 statements, impressions, or recollections of any individual alleged to have purchased any security  
11 issued by Respondent(s) whether or not the Division contemplates calling such individual as a  
12 witness in the herein matter.  
13

14 5. Copies of any and all documents which the Securities Division may offer as an  
15 exhibit(s) at hearing in this matter.  
16

17 DATED this 29<sup>th</sup>, day of June, 2000.

18 JOHN R. AUGUSTINE, JR., PC

19  
20 By

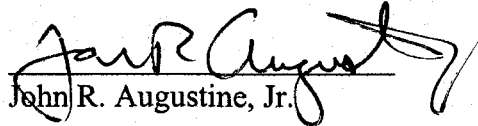
  
John R. Augustine, Jr.  
The Citadel, Suite 300  
2727 North Third Street  
Phoenix, Arizona 85004  
Attorney for Resopndents

1  
2 ORIGINAL AND TEN COPIES of the  
3 foregoing filed this 29<sup>th</sup> day of June, 2000 with:

4 Docket Control  
5 ARIZONA CORPORATION COMMISSION  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 COPY of the foregoing hand delivered  
9 this 29<sup>th</sup> day of June, 2000 to:

10 Jamie B. Palfai, Esq.  
11 Arizona Corporation Commission/ Securities Division  
12 1300 West Washington Street, 3<sup>rd</sup> Floor  
13 Phoenix, Arizona 85007  
14 Attorney's for the Securities Division

15   
16 John R. Augustine, Jr.

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